



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,368	09/11/2003	Brian N. Belanger	2222.3810000	3018
26111 7590 03/23/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER JOHNSON, CARLTON				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
03/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/659,368

Applicant(s)

BELANGER ET AL.

Examiner

CARLTON V. JOHNSON

Art Unit

2436

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Nasser Moazzami/
Supervisory Patent Examiner, Art Unit 2436

/Carlton V. Johnson/
Examiner, Art Unit 2436

Examiner Position:

The arguments were not persuasive in overcoming the currently rejected claims.

Response to Arguments

The 112 Rejection will be withdrawn due to remarks and the disclosure of cited passages within the specification to support amended claim 41 limitations. The Orsini prior art discloses the claim limitation(s) indicated in Claim 41. The Examiner already indicated the last Office Action that the supplemental evidence is considered as other evidence as indicated in paragraph [0025]. The cited passages in paragraph [0045] currently indicated by Applicant still indicate that supplemental evidence is other or additional evidence used in the authentication process.

Timson discloses two attempts at authentication as per the above partial set of claim limitation(s). Timson discloses accesses to an enabling and an interrogative module in authentication attempts. Each attempt at authentication is completed via a comparison of two sets of authentication information and initiated via a request.

The Timson prior art discloses the capability to add additional authentication modules to the authentication procedures. These additional authentication modules can generate a hierarchical structure for the authentication process with access to the resolution authority performed as a last authentication process as per claim limitation. (see Timson col 4, line 60 - col. 5, line 4: hierarchical authorization structure)

And, the Timson and Moreh prior art combination discloses the usage of a resolution authority to provide an additional authentication services implemented via a request. (see Moreh col. 2, lines 48-62; col. 5, line 56 - col. 6, line 19: authentication services between client and server using intermediate entity (protocol proxy))

The enabling module can grant permissions by writing permissions data to a module to make it an enabling module such as the resolution authority in Moreh prior art. Timson discloses that capability to integrate a module such as the module (resolution authority) disclosed in the Moreh prior art. To one skilled in the art this is a successful combination of prior art references.

Applicant previously indicated a situation by a cited passage where no communication is allowed. (see Timson col. 3, lines 28-32) The Timson prior art discloses that modules must belong to the same security scheme in order to communicate with each other. (see Timson col. 4, lines 16-32: encrypted communications, must belong to same security scheme to communicate) Otherwise, the encryption keys utilized by a particular security scheme do not allow communications with modules that are not part of the same security scheme.

The security scheme is setup by the controller module. (see Timson col. 4, lines 33-42: security scheme is setup by controller module) The controller module also sets up the other types of modules such as the additional module designated the resolution authority. (see Timson col. 4, line 60 - col. 5, line 4)

Without a successful authorization comparison (a match), access is not permitted. All of the required functions are disclosed by the Timson prior art as indicated in the accompanying citations. (see Timson col. 3, line 34 - col. 4, line 15: access information; request/response authorization information; comparison of candidate (authorization) information; authorization verification, or prohibition if verification not successful) The Examiner has reevaluated Applicant's remarks and has determined that the Applicant desires a third party to act as a resolution authority in performing an additional authentication service.

The Timson prior art discloses the capability to add additional authentication modules to the authentication procedures. These additional authentication modules can generate a hierarchical structure for the authentication process with access to the resolution authority performed as a last authentication process as per claim limitation. (see Timson col 4, line 60 - col. 5, line 4: hierarchical authorization structure) The Timson and Moreh prior art combination discloses the usage of a resolution authority to provide an additional authentication services. (see Moreh col. 2, lines 48-62; col. 5, line 56 - col. 6, line 19: authentication services between client and server using intermediate entity (protocol proxy))

The enabling module can grant permissions by writing permissions data to a module to make it an enabling module such as the resolution authority in Moreh prior art.